**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.7237 OF 2020 IN
FIRST APPEAL ST. NO.16890 OF 2019**

Arun s/o Vishwanath Shembde ... Applicant

Versus

Kazi Naziruddin Moinoddin & others ... Respondents

Mr.P.C.Mayure, advocate for the applicant.
Mr.M.R.Deshmukh, advocate for Respondent No.1.
Mr.S.S.Patil, advocate for Respondent No.2-Insurance Company.
Mr.N.K.Tungar, advocate for Respondent No.4.
Mr.M.M.Ambhore, advocate for Respondent No.5.

CORAM : V.K.JADHAV, J.

DATE : 02nd November, 2020.

PC :

1 Heard learned Counsel for respective parties.

2 Learned Counsel for Respondent-Insurance Company has strongly resisted the application on the ground that the Insurance Policy was cancelled prior to the date of accident. However, it appears from the observations made by the learned Member of the Tribunal in paragraphs no.20 and 21 of the judgment that the notice of cancellation of the policy came to be issued on 29th December, 2014, to the owner of the motor vehicle and the accident had taken place on 07th January, 2015.

3 *Prima facie*, it was a short period to serve the notice of cancellation of the insurance policy on the owner of the vehicle involved in the accident.

4 In view of the above, applicant-claimant, who has suffered from personal injury which has resulted into permanent disablement, is permitted to withdraw an amount of Rs.1,50,000/- (Rs. One lakh Fifty Thousand) on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5 Civil Application is disposed of.

(V.K.JADHAV)
JUDGE

adb